



Attorney's Docket No.: 14184-020001

12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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#7

Applicant : Brian M. Cali et al.

Art Unit : 1642

Serial No. : 10/029,180

Examiner :

Filed : December 22, 2001

Title : NOVEL REGULATORS OF FUNGAL GENE EXPRESSION

Commissioner for Patents
Washington, D.C. 20231

REVOCATION AND NEW POWER OF ATTORNEY

Under 37 CFR §3.73(b) MICROBIA, INC., a corporation, certifies that it is the assignee of 100% of the right, title and interest in the patent application identified above by virtue of:

☒ An assignment from the inventors of the patent application identified above. The assignment was filed with the Patent and Trademark Office on March 18, 2002 (copy enclosed).

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned, whose title is supplied below, is empowered to act on behalf of the assignee.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

October 22, 2002
Date of Deposit

Carrie A. Amonte
Signature

Carrie A. Amonte
Typed or Printed Name of Person Signing Certificate

Applicant : Brian M. Cali et al.
Serial No. : 10/029,180
Filed : December 22, 2001
Page : 2

Attorney's Docket No.: 14184-020001

The undersigned, acting on behalf of the assignee, hereby revokes all powers of attorney previously granted in the application and appoints:

Anita L. Meiklejohn, Ph.D.
Reg. No. 35,283
FISH & RICHARDSON P.C.
225 Franklin Street
Boston, Massachusetts 02110-2804

with full power of substitution and revocation, to prosecute the application and to transact all business in the United States Patent and Trademark Office connected therewith.

The undersigned, acting on behalf of the assignee, hereby revokes all powers of attorney previously granted in the application and appoints the practitioners at Customer Number, with full power of substitution and revocation, to prosecute the application and to transact all business in the United States Patent and Trademark Office connected therewith.

All correspondence regarding the application should be sent to:

Anita L. Meiklejohn, Ph.D.
FISH & RICHARDSON P.C.
225 Franklin Street
Boston, Massachusetts 02110-2804

Please note the new attorney docket number of 14184-020001 for this application.

Applicant : Brian M. Cali et al.
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Page : 3

Attorney's Docket No.: 14184-020001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

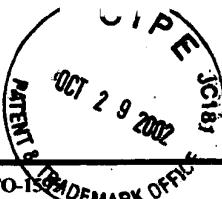
Respectfully submitted,

Date: 10/18/02


PETER HECHT

Title: CHIEF EXECUTIVE OFFICER

Fish & Richardson P.C.
225 Franklin Street
Boston, Massachusetts 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906



Form PTO-15
(Rev. 03/01)

OMB No. 0651-0027 (exp. 5/31/2002)

Tab settings $\Rightarrow \Rightarrow \Rightarrow$

RECORDATION FORM COVER SHEET
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Brian M. Cali
Douglas Holtzman
Kevin T. Madden
G. Todd Milne

Additional name(s) of conveying party(ies) attached? ☒ Yes ☐ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: March 17, 2002

2. Name and address of receiving party(ies)

Name: Microbia, Inc.

Internal Address: _____

Street Address: One Kendall Square

Building 1400W

City: Cambridge State: MA Zip: 02139

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s) Filed 12/21/01

claiming priority to 60/257,431

B. Patent No.(s) _____

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Wayne A. Keown, Ph.D.

Internal Address: _____

Street Address: 500 West Cummings Park

Suit 2900

City: Woburn State: MA Zip: 01801

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

- ☒ Enclosed
☐ Authorized to be charged to deposit account

8. Deposit account number: _____

DO NOT USE THIS SPACE

9. Signature.

Wayne A. Keown

Name of Person Signing

W. A. Keown
Signature

3/18/02

Date

Total number of pages including cover sheet, attachments, and documents: 11

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

RECORDATION FORM COVER SHEET

Continuation Sheet
Page 2

To the Honorable Commissioner of Patents and Trademarks

Name of conveying parties:

Amir Sherman

Jeffrey C. Silva

Joshua Truehart

Lixin Zhang

Application number:

Patent Application No.: Filed 12/21/01 claiming priority to U.S. 60/257,431

ASSIGNMENT

WHEREAS we, Brian M. Cali, being a citizen of the United States of America and residing at 100 Hillside Avenue, Arlington, Massachusetts 02478; Douglas Holtzman, being a citizen of the United States of America and residing at 821 Centre Street, #6, Jamaica Plain, Massachusetts 02130; Kevin T. Madden, being a citizen of the United States of America and residing at 40 Chestnut Street, #B, Charlestown, Massachusetts 02129; G. Todd Milne, being a citizen of the United States of America and residing at 169 Mason Terrace, Brookline, Massachusetts, 02446; Amir Sherman being a citizen of Israel and residing at Shai Agnon-15, Jerusalem, Israel; Jeffrey C. Silva, being a citizen of the United States of America and residing at 95 Hale Street, Beverly, Massachusetts 01915; Joshua Trueheart, being a citizen of the United States of America and residing at 172 Annursnac Hill Road, Concord, Massachusetts, 10742 and Lixin Zhang, being a citizen of China and residing at 15 Farmcrest Avenue, Lexington, Massachusetts 02421, are inventors of certain new and useful inventions and discoveries, for which we have made an application for Letters Patent entitled **NOVEL REGULATORS OF FUNGAL GENE EXPRESSION**, which application was filed in the United States Patent and Trademark Office on December 21, 2001, and claims priority to U.S. Serial No. 60/257,431 filed December 22, 2000; and

WHEREAS Microbia, Inc., a corporation existing under the laws of the State of Delaware, whose address is One Kendall Square, Building 1400W, Cambridge, Massachusetts 02139, which together with its successors and assigns is hereinafter called "ASSIGNEE," is desirous of acquiring the title, rights, benefits, and privileges hereinafter recited;

NOW THEREFORE, for and in consideration of good and valuable consideration furnished by ASSIGNEE to us, receipt and sufficiency of which we hereby acknowledge, we hereby, without reservations:

ASSIGNMENT

Page 2

1. Assign, transfer and convey to ASSIGNEE the entire right, title and interest in and to said inventions and discoveries, said application for Letters Patent, any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation, continuation-in-part, and convention applications based in whole or in part upon said inventions or discoveries, or upon said applications, and any and all Letters Patent, reissues and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon, or arise from, said inventions, said discoveries, said applications and said Letters Patent;
2. Authorize ASSIGNEE to file patent applications in any or all countries on any or all of said inventions and discoveries in my name or in the name of ASSIGNEE or otherwise as ASSIGNEE may deem advisable, under International Conventions or otherwise;
3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments throughout the world to issue or transfer all said Letters Patent to ASSIGNEE as ASSIGNEE of the entire right, title and interest therein or otherwise as ASSIGNEE may direct;
4. Warrant that we have not knowingly conveyed to others any right in said inventions, discoveries, applications or patents or any license to use the same, or to make, use or sell anything embodying or utilizing any of said inventions or discoveries; and that we have good right to assign the same to ASSIGNEE without encumbrance;
5. Bind our heirs, legal representatives and assigns, as well as ourselves, to do, upon ASSIGNEE's request and at ASSIGNEE's expense, but without additional consideration to us or them, all acts reasonably serving to assure that said

ASSIGNMENT

Page 3

inventions and discoveries, said patent applications, and said Letters Patents shall be held and enjoyed by ASSIGNEE as fully and entirely as the same could have been held and enjoyed by us, our heirs, legal representatives and assigns as if this Assignment had not been made; and particularly to execute and deliver to ASSIGNEE all lawful application documents including petitions, specifications and oaths, and all assignments, disclaimers and lawful affidavits in form and substance as may be requested by ASSIGNEE; and to communicate to ASSIGNEE all facts known to me relating to said inventions and discoveries or the history thereof, and to testify as to the same in any court or proceeding; and to furnish ASSIGNEE any and all documents, photographs, models, samples and other physical exhibits in my control or in the control of my heirs, legal representatives or assigns which may be useful for establishing the facts of my conceptions, disclosures, and reduction to practice of said invention and discoveries.

IN TESTIMONY WHEREOF, we have hereunto set our hands and seals.

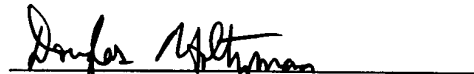
Date: 3/12/02


Brian M. Cali

Then personally appeared before me this 12th day of March, 2002, the above named Brian M. Cali who acknowledged the execution of the foregoing instrument to be his free act and deed.


Notary Public
~~My Commission Expires August 2, 2002~~

Date: 3/14/02


Douglas Holtzman

Then personally appeared before me this 14th day of March, 2002, the above named Douglas Holtzman who acknowledged the execution of the foregoing instrument to be his free act and deed.


Notary Public
My Commission Expires August 9, 2002

ASSIGNMENT

Page 4

Date: March 12, 2002

Kevin T. Madden
Kevin T. Madden

Then personally appeared before me this 12th day of March, 2002,
the above named Kevin T. Madden who acknowledged the execution of the foregoing
instrument to be his free act and deed.

Marian Rapp
Notary Public

My Commission Expires August 9, 2002

Date: March 12, 2002

G. Todd Milne
G. Todd Milne

Then personally appeared before me this 14th day of March, 2002,
the above named G. Todd Milne who acknowledged the execution of the foregoing
instrument to be his free act and deed.

Marian Rapp
Notary Public

Date: _____

Amir Sherman

Then personally appeared before me this _____ day of _____, 2002,
the above named Amir Sherman who acknowledged the execution of the foregoing
instrument to be his free act and deed.

Notary Public

17:20 FAX

ASSIGNMENT
Page 4

Date: _____

Kevin T. Madden

Then personally appeared before me this _____ day of _____, 2002,
the above named Kevin T. Madden who acknowledged the execution of the foregoing
instrument to be his free act and deed.

Notary Public

Date: _____

G. Todd Milne

Then personally appeared before me this _____ day of _____, 2002,
the above named G. Todd Milne who acknowledged the execution of the foregoing
instrument to be his free act and deed.

Notary PublicDate: 17.3.02Amir Sherman
Amir Sherman

Then personally appeared before me this _____ day of _____, 2002,
the above named Amir Sherman who acknowledged the execution of the foregoing
instrument to be his free act and deed.

Notary Public

Form No. 11/2002

טופס מס' 11/2002

AUTHENTICATUON OF SIGNATURE

אימות חתימה

I the undersigned, Arie Abramson,

אני הח"מ אריה אברמזון,

Notary at Jerusalem, Israel,

נוטריון בירושלים ישראל,

hereby certify that on 17/3/2002
appeared before me at my Office at 6
Shmuel Hanagid st. Jerusalem:

מאשר כי ביום 17/3/2002 ניצב לפני
במשרדי ברח' שמואל הנגיד 6
בירושלים:

Mr. **SHERMAN AMIR** whose identity
was proved to me by Identity Booklet
No: **02611275-5** issued by Ministry
Of the Interior of the state of Israel at
Jerusalem on 24/03/1991,

מר **שרמן עמיר** שזהותו הוכחה לי
על פי ת.ג. מס' **02611275-5**
שניתנה מאת משרד הפנים
בירושלים ביום 24/03/1991,

and signed of his own free will the
above document (the attached
document marked "1-17") (the
document overleaf),

וחתם מרצונו החופשי על המסמך
שלעיל (המצורף והמסומן במס'
"1-17" שמעבר לדף).

In witness whereof I hereby
authenticate the signature of Mr.
SHERMAN AMIR

ולראיה הנני מאמת את חתימתו של
מר **שרמן עמיר** הנ"ל

By my own signature and seal,

בחתימת ידי ובחותמי

today 17/3/2002

היום 17/3/2002

IL 828 Fees Paid

שכר טרחה בסך 828 ש"ח שולם



ASSIGNMENT

Page 5

Date:

March 15, 2002

Jeffrey C. Silva

Then personally appeared before me this 15 day of MARCH, 2002,
the above named Jeffrey C. Silva who acknowledged the execution of the foregoing
instrument to be his free act and deed.

Notary Public

Date:

Joshua Trueheart

Then personally appeared before me this _____ day of _____, 2002,
the above named Joshua Trueheart who acknowledged the execution of the foregoing
instrument to be his free act and deed.

Notary Public

Date:

Lixin Zhang

Then personally appeared before me this _____ day of _____, 2002,
the above named Lixin Zhang who acknowledged the execution of the foregoing
instrument to be his free act and deed.

Notary Public

ASSIGNMENT

Page 5

Date: _____

Jeffrey C. Silva

Then personally appeared before me this _____ day of _____, 2002,
the above named Jeffrey C. Silva who acknowledged the execution of the foregoing
instrument to be his free act and deed.

Notary Public

Date: March 12 2002


Joshua Trueheart

Then personally appeared before me this 12th day of March, 2002,
the above named Joshua Trueheart who acknowledged the execution of the foregoing
instrument to be his free act and deed.


Notary Public

My Commission Expires August 9, 2002

Date: _____

Lixin Zhang

Then personally appeared before me this _____ day of _____, 2002,
the above named Lixin Zhang who acknowledged the execution of the foregoing
instrument to be his free act and deed.

Notary Public

ASSIGNMENT

Page 5

Date: _____

Jeffrey C. Silva

Then personally appeared before me this _____ day of _____, 2002,
the above named Jeffrey C. Silva who acknowledged the execution of the foregoing
instrument to be his free act and deed.

Notary Public

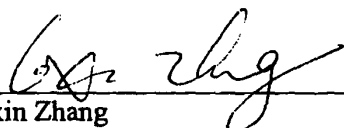
Date: _____

Joshua Trueheart

Then personally appeared before me this _____ day of _____, 2002,
the above named Joshua Trueheart who acknowledged the execution of the foregoing
instrument to be his free act and deed.

Notary Public

Date: 03/13/03


Lixin Zhang

Then personally appeared before me this 13th day of March, 2002,
the above named Lixin Zhang who acknowledged the execution of the foregoing
instrument to be his free act and deed.


Notary Public comm exp 8/26/05